

NOWELL AMOROSO KLEIN BIERMAN, P.A.  
155 Polifly Road  
Hackensack, NJ 07601  
(201) 343-5001  
Attorneys for Third-Party Defendant,  
UPS Ground Freight, Inc. d/b/a UPS  
Freight, f/k/a Overnite Transportation

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

---

HOLTEC INTERNATIONAL CORPORATION,  
a Delaware Corporation,

Plaintiff,  
(RMB) (AMD)

Civil Action No.:  
09-cv-274

v.

PREFERRED METAL TECHNOLOGIES, INC.,  
an Illinois Corporation,

Defendant.

**ORDER STRIKING THE  
AFFIDAVIT OF PREFERRED  
METAL TECHNOLOGIES, INC.**

---

PREFERRED METAL TECHNOLOGIES, INC.,

Third-Party Plaintiff,

v.

UPS GROUND FREIGHT, INC., d/b/a UPS  
FREIGHT, f/k/a OVERNITE  
TRANSPORTATION,

Third-Party Defendant.

---

THIS MATTER having been brought to the attention of the  
Court on motion made by and thorough Nowell Amoroso Klein

Bierman, P.A., attorneys for Third-Party Defendant, UPS Ground Freight, Inc. d/b/a UPS Freight, f/k/a Overnite Transportation ("Third-Party Defendant") by way of Motion to Strike the Affidavit of timothy Stewart [Docket Entry # 49-4] submitted by Third-Party Plaintiff Preferred Metal Technologies, Inc. ("Third-Party Plaintiff") in opposition to Third-Party Defendant's Motion for Summary Judgment pursuant to Federal Rule of Civil Procedure 56(e), and the Court having reviewed the Notice of Motion to Strike Affidavit and the Brief in Support of the Motion, the opposition and supporting brief, if any, and the reply of Third-Party Defendant, and upon oral argument of counsel, if any, and for good cause having been shown:

IT IS ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011;

ORDERED that the Affidavit of Timothy Stewart [Docket Entry # 49-4] submitted by Third-Party Plaintiff in opposition to Third-Party Defendant's Motion for Summary Judgment ("Affidavit") be and hereby is stricken as not competent pursuant to Federal Rule of Civil Procedure 56(e); and it is further

ORDERED that the Affidavit may not be used to support Third-Party Plaintiff's opposition to Third-Party Defendant's Motion for Summary Judgment in whole or in part; and it is further

ORDERED that a copy of this Order be served on all counsel within \_\_\_\_\_ days of the date of receipt of this Order.

---

Honorable Renee Marie Bumb, U.S.D.J